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U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure, Sentencing

US v. Vega-Salgado, No. 13-1484

In this sentencing appeal, defendant entered into a written plea agreement with a commitment that the government would recommend a sentence of no more than 56 months. Notwithstanding the government's recommendation of a 56-month term, the district court proceeded to impose a 103-month sentence. The district court's sentence imposition is affirmed, where: 1) given the record of defendant's extensive criminal history including serious felonies, and given that this case was not a standard felon-in-possession case, but involved a pistol modified to operate as a fully automatic machine gun, it cannot be said that a 103-month sentence was unreasonable; and 2) a plea agreement is non-binding on the court, and defendant was given proper notice of the non-binding nature of the plea agreement.